

REMARKS

Claims 1-41 and 53-63 are pending in the application upon entry of the amendments and new claims. Favorable reconsideration in light of the remarks which follow is respectfully requested.

The Main/Novelty Rejection

Claims 1-7, 9-11, 13, 14, 16, 17, 20, 21, 33-41, and 53-60 (including all of the independent claims) have been rejected under 35 U.S.C. § 102(b) over Kunikane et al (U.S. Patent 5,479,547). The remaining dependent claims have been subjected to obviousness rejections using Kunikane et al as primary cited art.

The Examiner notes Figures 1 to 3 of Kunikane et al with particularity. Referring to Figure 1, Kunikane et al relates to an optical de/multiplexer module with a waveguide substrate 21, waveguides 23, a laser diode 24 and photodiode 25 in optical communication with the waveguides 23, a de/multiplexing filter film 26, a first optical fiber 27, and a second optical fiber 28. A first optical signal having a first wavelength sent through the first optical fiber 27 passes through the de/multiplexing filter film 26, and a similar optical signal having the first wavelength sent by the laser diode 24 through the waveguides 23 passes through the de/multiplexing filter film 26 and back into the first optical fiber 27. A second optical signal having a second wavelength sent through the second optical fiber 28 is reflected by the de/multiplexing filter film 26 so that it does not enter the waveguides 23 and instead is directed to the first optical fiber 27.

To establish anticipation, each and every claim feature must be disclosed in a single cited art document. Claims 1, 11, 13, 20, 33, 37, 41, and 59 require a bi-directional transceiver device that separates optical signals at a first wavelength from optical signals at a second wavelength. Kunikane et al fails to disclose, teach, or suggest a bi-directional transceiver device that separates optical signals at a first wavelength from optical signals at a second wavelength. This is because the SOURCE of the two optical signals processed by the module of Kunikane et al are DIFFERENT.

The optical signals processed by the module of Kunikane et al have origins of EITHER the laser diode 24, the first optical fiber 27, or the second optical fiber 28. Kunikane et al NEVER SEPARATES optical signals from one another. The input source in the claimed invention contains at least two different optical signals which are directed at the PLC. Kunikane et al does not use a single input source to direct at least two different optical signals at its module. Since Kunikane et al does not disclose all of the claimed features, Kunikane et al CANNOT anticipate claims 1-7, 9-11, 13, 14, 16, 17, 20, 21, 33-41, and 53-60. Withdrawal of the rejection is therefore respectfully requested.

It is noted that when the claim preamble recites features of the claim or if the claim preamble gives life, meaning, and vitality to the claim, then the claim preamble should be construed as if in the balance of the claim. See MPEP § 2111.02 and *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999). Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989).

Claims 1-7, 9-11, 13, 14, 16, 17, 20, 21, 33-41, and 53-60 are directed to solving the problem of efficiently handling bidirectional data streams of light by reliably separating optical signals at a first wavelength from optical signals at a second wavelength. Claims 1-7, 9-11, 13, 14, 16, 17, 20, 21, 33-41, and 53-60 thus require a source containing the two optical signals that are then separated. Not only is this a structural feature of the claimed invention, but it also gives life, meaning, and vitality to claims 1-7, 9-11, 13, 14, 16, 17, 20, 21, 33-41, and 53-60. Therefore, the claim feature that a bi-directional transceiver device that separates optical signals at a first wavelength from optical signals at a second wavelength should be construed as if it is recited in the body of the claims.

The Obviousness Rejections

Claim 15 has been rejected under 35 U.S.C. § 103(a) over Kunikane et al in view of Kuhara et al (U.S. Patent Pub. 2003/0210866). Claim 18 has been rejected under 35 U.S.C. § 103(a) over Kunikane et al in view of Fouquet (U.S. Patent 6,195,478). Claims 61 and 63 have been rejected under 35 U.S.C. § 103(a) over Kunikane et al in view of Scobey (U.S. Patent 5,583,683). Claim 62 has been rejected under 35 U.S.C. § 103(a) over Kunikane et al in view of Grasis et al (U.S. Patent 6,198,857). Claims 8, 12, and 19 have been rejected under 35 U.S.C. § 103(a) over Kunikane et al in view of Hashimoto et al (U.S. Patent 6,480,639). Claims 22, 24-27, and 29-32 have been rejected under 35 U.S.C. § 103(a) over Kunikane et al in view of Rolston et al (U.S. Patent Pub. 2005/0018993). Claims 23, 24, and 28 have been rejected under 35 U.S.C. § 103(a) over Kunikane et al in view of Rolston et al further in view of Di Domenico et al (U.S. Patent 4,165,496).

All of these rejections are traversed due to the inherent deficiencies of the primary cited art Kunikane et al, discussed above. none of the secondary cited art teaches or suggests . Accordingly, one skilled in the art would not have been motivated by the secondary art to make the devices of the claims. Withdrawal of the obviousness rejections is respectfully requested.

Petition for Extension of Time

A request for a two month extension of time is hereby made. The Commissioner is authorized to charge the extension fees to the attached credit card payment form.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

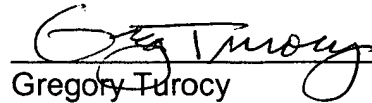
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In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees for a small entity to our Deposit Account No. 50-1063.

Respectfully submitted,

AMIN & TUROCY, LLP

A handwritten signature in cursive script, appearing to read "Gregory Turocy", is written over a horizontal line.

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